

THURSDAY, MAY 6, 1999

TWENTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Pinion.

Representative Pinion led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative McAfee; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 222: Rep(s). Hargett, Pleasant, Naifeh, Kent, Hassell, Miller, J. DeBerry, Kernell, U. Jones, Turner (Shelby), Cooper, Chumney, L. DeBerry and Bowers as prime sponsor(s).

House Bill No. 340: Rep(s). Cooper as prime sponsor(s).

House Bill No. 345: Rep(s). Cooper as prime sponsor(s).

House Bill No. 355: Rep(s). Cooper as prime sponsor(s).

House Bill No. 356: Rep(s). Cooper as prime sponsor(s).

House Bill No. 358: Rep(s). Cooper as prime sponsor(s).

House Bill No. 365: Rep(s). Cooper as prime sponsor(s).

House Bill No. 580: Rep(s). Pleasant and Godsey as prime sponsor(s).

House Bill No. 673: Rep(s). Black and Langster as prime sponsor(s).

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 105, 106, 107, 108, 123, 128, 132 and 156; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 105** -- Sunset Laws - Board of examiners for architects and engineers, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 2. by *Springer. (HB358 by *Kernell, *Garrett, *Brooks, *Cooper B)

***Senate Bill No. 106** -- Sunset Laws - Board of land survey examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 18. by *Springer. (HB365 by *Kernell, *Garrett, *Brooks, *Cooper B)

***Senate Bill No. 107** -- Sunset Laws - Real estate commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 13. by *Springer. (HB355 by *Kernell, *Garrett, *Brooks, *Cooper B)

***Senate Bill No. 108** -- Sunset Laws - Board of pharmacy, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 10. by *Springer. (HB356 by *Kernell, *Garrett, *Brooks, *Cooper B)

***Senate Bill No. 123** -- Sunset Laws - Real estate appraiser commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 39. by *Springer. (HB382 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 128** -- Sunset Laws - Board of cosmetology, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 4, r. by *Springer. (HB375 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 132** -- Sunset Laws - Tennessee auctioneer commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 19. by *Springer. (HB345 by *Kernell, *Garrett, *Brooks, *Cooper B)

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***Senate Bill No. 156** -- Sunset Laws - Collection service board, June 30, 2007. Amends TCA Title 4 Chapter 29 and Title 62, Chapter 20. by *Springer. (HB340 by *Kernell, *Garrett, *Brooks, *Cooper B)

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and previously referred to the appropriate Committee:

***House Joint Resolution No. 223** -- General Assembly, Confirmation of Appointment - Valerie Copeland Rutledge, State Board of Education. by *Brown, *Stulce.

Previously referred to the House Education Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 10, 1999:

House Resolution No. 50 -- Memorials, Interns - Justin V. Mull. by *Westmoreland, *Sargent, *Givens.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 10, 1999:

Senate Joint Resolution No. 229 -- Memorials, Death - Brock Speer. by *Haun.

Senate Joint Resolution No. 231 -- Memorials, Academic Achievement - Scotty Migliaccio, Salutatorian, Bible Baptist Academy. by *Kurita.

Senate Joint Resolution No. 232 -- Memorials, Academic Achievement - Dana Whitehead, second place, Letters About Literature contest. by *Burks.

Senate Joint Resolution No. 233 -- Memorials, Interns - Lora Henke. by *Ramsey, *Crowe.

Senate Joint Resolution No. 235 -- Memorials, Personal Achievement - Alecia Pleasant, State Future Farmers of America Prepared Public Speaking Career Development Contest. by *Crowe.

Senate Joint Resolution No. 241 -- Memorials, Academic Achievement - Alison Winstead, Heritage High School Salutatorian. by *Clabough.

Senate Joint Resolution No. 242 -- Memorials, Academic Achievement - Heidi Winstead, 1999 Heritage High School Valedictorian. by *Clabough.

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Senate Joint Resolution No. 243 -- Memorials, Academic Achievement - Jenny L. Noseworthy, Salutatorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 244 -- Memorials, Academic Achievement - Edwina Jeanette Booth, Salutatorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 245 -- Memorials, Academic Achievement - Abby Elizabeth Jones, Gatlinburg-Pittman High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 246 -- Memorials, Academic Achievement - Ryan Stargel, 1999 William Blount High School Salutatorian. by *Clabough.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Anthony Minutolo, William Blount High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 248 -- Memorials, Academic Achievement - Brooke Suzanne Williams, Salutatorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 249 -- Memorials, Academic Achievement - Dustin E. Stokes, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 250 -- Memorials, Academic Achievement - Kelly Ballard, 1999 Seymour High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 251 -- Memorials, Academic Achievement - Sherrie "Danielle" Caylor, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 252 -- Memorials, Academic Achievement - Barbara Thomas, Maryville High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 253 -- Memorials, Academic Achievement - Justin D. Caughron, Maryville High School Salutatorian. by *Clabough.

Senate Joint Resolution No. 254 -- Memorials, Personal Achievement - LaKishia Goss, Boys and Girls Clubs of America's Tennessee Youth of the Year. by *Clabough.

Senate Joint Resolution No. 267 -- Memorials, Academic Achievement - April J'nene Carter, Salutatorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 268 -- Memorials, Academic Achievement - Tara Noah, Salutatorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 269 -- Memorials, Academic Achievement - Irina Cortez, Valedictorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 270 -- Memorials, Academic Achievement - Tandy Vu, Treadwell High School, Salutatorian. by *Kyle.

Senate Joint Resolution No. 271 -- Memorials, Academic Achievement - Laura Patrice Bufford, Valedictorian, Trezevant High School. by *Kyle.

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Senate Joint Resolution No. 272 -- Memorials, Academic Achievement - LaTonya Shanell Jones, Salutatorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 273 -- Memorials, Academic Achievement - Kimberly Nicole Jones, Salutatorian, Frayser High School. by *Kyle.

Senate Joint Resolution No. 274 -- Memorials, Academic Achievement - Monica Renette Royal, Valedictorian, Frayser High School. by *Kyle.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1972 -- Collierville - Subject to local approval, repeals existing privilege tax statute; revises charter relative to historical preservation privilege tax. Amends Chapter 230 of the Private Acts of 1988. by *Scroggs, *Todd.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 568** -- Courts, Juvenile - Authorizes juvenile courts to report identifying information to council of juvenile and family court judges so that council may more accurately track recidivism rates and other pertinent trends; requires council to protect confidentiality of such identifying information. Amends TCA Section 37-1-506. by *Person, *Williams. (HB792 by *Walley)

***Senate Bill No. 652** -- Physicians and Surgeons - Prohibits physician and doctor of osteopathy from sending medical information to practitioner outside Tennessee if such information is to be used to make diagnoses or treatment plans for patient located in Tennessee; sets out exceptions for second opinions, academic consultations, insurance coverage determinations, etc. Amends TCA Title 63. by *Cooper. (HB1088 by *Odom)

***Senate Bill No. 868** -- Victims' Rights - Provides that certain identifying information regarding orders of protection, restraining orders, shelters, victims and witnesses in criminal cases be treated as confidential. Amends TCA Title 10, Chapter 7, Part 5 and Title 36, Chapter 3, Part 6. by *Burks, *Atchley, *Person, *Williams, *Crowe. (HB1618 by *McMillan, *Hargrove, *Chumney, *Black, *Cooper B, *Hassell, *Hagood, *McDaniel, *Odom, *Harwell, *Naifeh, *Hargett)

***Senate Bill No. 1248** -- Energy - Clarifies that municipal electric plants can use eminent domain to condemn property; increases compensation of members of board of public utilities from \$100 to \$200 per month. Amends TCA Section 7-52-105 and Section 7-52-110. by *Herron. (HB1298 by *Maddox, *Pinion, *Kisber, *Curtiss, *Rhinehart, *Phelan, *Cole (Dyer), *Fitzhugh)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1971 -- LaFollette -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 6, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 10, 1999**: House Bill(s) No(s). 325, 751, 753, 1179, 1442 and 1751.

The Committee also set the following bill(s) on the **Regular Calendar** for **May 12, 1999**: House Bill(s) No(s). 1782, 1848, 1120, 1125, 504, 1864, 470, 1424, 429, 1453, 983 and 954.

The Committee further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 10, 1999**: House Bill(s) No(s). 1517, 1725, 893, 1464, House Joint Resolution(s) No(s). 177, 205, 1850, 1295 and Senate Joint Resolution(s) No(s). 114.

CONSENT CALENDAR

House Resolution No. 49 -- Naming and Designating - "Small and Minority Business Day on the Hill," May 5, 1999. by *Towns.

House Joint Resolution No. 222 -- Memorials, Public Service - Mayor Herman Cox. by *Scroggs, *Todd.

Senate Joint Resolution No. 212 -- Memorials, Recognition and Thanks - Russell Jay Bragg. by *Herron.

Senate Joint Resolution No. 213 -- Memorials, Death - Dr. Fred Ownby. by *Womack.

Senate Joint Resolution No. 214 -- Memorials, Retirement - Dr. William Ellis, Austin Peay State University professor. by *Kurita, *Kyle.

Senate Joint Resolution No. 215 -- Memorials, Academic Achievement - Cristin Sutphin, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 217 -- Memorials, Academic Achievement - Rachel Lane, 1999 Valedictorian, Pleasant View Christian School. by *Kurita.

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Senate Joint Resolution No. 218 -- Memorials, Academic Achievement - Sarah Hicks, 1999 Pleasant View Christian School Salutatorian. by *Kurita.

Senate Joint Resolution No. 219 -- Memorials, Personal Achievement - John Aaron Beasley, Eagle Scout. by *Springer.

Senate Joint Resolution No. 226 -- General Assembly - Directs spreading of SJR 37 and SJR 79 on Senate Journal. by *Cohen.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 673** -- Insurance, Health, Accident - Requires certain entities to designate physician licensed in Tennessee as medical director, responsible for treatment policies and utilization management and to ensure certain service delivery decisions are made by doctor or licensed person and to limit retrospective denial of coverage; noncompliance is basis for certificate of authority action. Amends TCA Title 56. by *Caldwell, *Hargrove, *Naifeh, *DeBerry L., *Rinks, *Williams (Williamson), *Arriola, *McDonald, *Kisber, *Armstrong, *Turner (Shelby), *Lewis, *Stulce, *Sands, *Davidson, *Pinion, *Jones, S., *Ridgeway, *Bone, *Robinson, *Ferguson, *Brooks, *Tindell, *Eckles, *Newton, *Scroggs, *West, *Hood, *Fraley, *Miller L., *Maddox, *Pruitt, *Winningham, *Hargett, *Pleasant, *Cooper B., *Ford S., *Brown, *Langster, *Dunn, *Sargent, *Givens, *Patton, *White, *Fitzhugh, *Jackson, *Hagood. (SB1117 by *Cooper)

Further consideration of House Bill No. 673 previously considered on March 24, 1999 and April 29, 1999 at which time it was reset for today's Calendar.

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Rep. Caldwell moved that House Bill No. 673 be reset for the Regular Calendar on May 13, 1999, which motion prevailed.

***House Bill No. 1594** -- Alcoholic Beverages - Permits Starwood Amphitheater in Davidson County to obtain liquor by the drink license. Amends TCA Section 57-4-102. by *West, *Garrett. (SB1840 by *Rochelle)

Rep. West requested that House Bill No. 1594 be moved down 10 places on the Calendar.

House Bill No. 1290 -- Motor Vehicles - Authorizes police department to sell at public auction within 30 days of date on which vehicle was taken into custody, abandoned, immobile or unattended motor vehicle which has not been reclaimed. Amends TCA Title 55, Chapter 16. by *Jones U (Shelby), *DeBerry J. (*SB1519 by *Ford J)

Rep. U. Jones requested that House Bill No. 1290 be moved down 6 places on the Calendar.

***House Bill No. 793** -- Custody and Support - Specifies that, at subsequent proceeding to modify order of sole custody, court's decision shall be made upon preponderance of evidence and based upon best interest of child. Amends TCA Section 36-6-101. by *Walley. (SB1100 by *Cooper)

Rep. Walley moved that House Bill No. 793 be passed on third and final consideration.

Rep. Walley moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 793 by deleting the amendatory language of Section 1 and by substituting instead the following:

Upon a finding of a substantial change of circumstances, the court may consider modification of an order of joint custody or sole custody issued at a prior proceeding. The burden of proof necessary to modify such order shall be by a preponderance of the evidence, and the court's determination shall be made upon the basis of the best interest of the child.

On motion, Amendment No. 1 was adopted.

Rep. Walley moved that **House Bill No. 793**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Chumney -- 1.

A motion to reconsider was tabled.

***House Bill No. 1564** -- Psychologists - Authorizes board of examiners in psychology to issue limited licenses to practice as health care providers; such licensees shall practice under supervision of psychologists licensed in Tennessee; permits 30 day reciprocity for persons so licensed. Amends TCA Title 63, Chapter 11, Part 2. by *Walley. (SB1834 by *Graves)

Rep. Walley moved that House Bill No. 1564 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1564 By deleting the citation "73-11-208(2)(A)" at the end of the first sentence in Section 2 and by substituting instead the citation "63-11-208(2)(A)".

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Armstrong moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Walley moved that **House Bill No. 1564**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 878** -- Animals - Authorizes department of agriculture to indemnify persons for costs of destroyed honeybees. Amends TCA Title 44, Chapter 15, Part 2. by *Kerr, *Baird. (SB1135 by *Clabough)

Rep. Kerr requested that House Bill No. 878 be moved to the heel of the Calendar.

***House Bill No. 1863** -- Public Contracts - Specifies that at meeting with protesting party, head of affected department or agency may seek clarification of contract solicitation process protest issues. Amends TCA Section 12-4-109. by *McDaniel. (SB1784 by *Miller J)

On motion, House Bill No. 1863 was made to conform with **Senate Bill No. 1784**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 1784 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. McDaniel moved that **Senate Bill No. 1784** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 1124** -- Welfare - Allows Families First councils to meet once per quarter instead of once per month. Amends TCA Title 71, Chapter 5, Part 12. by *Goins, *McDaniel. (SB1608 by *Blackburn)

Rep. Goins moved that **House Bill No. 1124** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: DeBerry L. -- 1.

A motion to reconsider was tabled.

House Bill No. 1290 -- Motor Vehicles - Authorizes police department to sell at public auction within 30 days of date on which vehicle was taken into custody, abandoned, immobile or unattended motor vehicle which has not been reclaimed. Amends TCA Title 55, Chapter 16. by *Jones U (Shelby), *DeBerry J. (*SB1519 by *Ford J)

Further consideration of House Bill No. 1290 previously considered on today's Calendar.

Rep. U. Jones moved that House Bill No. 1290 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1290 By deleting Section 1 in its entirety and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-16-103, is amended by adding the following language as a new subdivision to be designated as subdivision (7):

(7) "Possession" as used in §55-16-108(e) shall be construed to mean either seizure and physical custody or constructive possession by a unit of government.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. U. Jones moved that **House Bill No. 1290**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 580 -- Dentists - Clarifies that dental hygienist will be licensed to practice dental hygiene instead of issued license; removes requirement that dental hygienist must have graduated from school of dental hygiene approved by board of dentistry and instead requires person have graduated and received diploma from accredited dental hygiene program. Amends TCA Section 63-5-114. by *Odom, *Newton, *Todd, *Givens, *DeBerry J, *Mumpower, *Kent, *Hargett. (*SB285 by *Ramsey)

Rep. Odom moved that House Bill No. 580 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 580 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 63-5-114(a), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(a) The board is authorized to issue a license to practice dental hygiene to applicants who are citizens of the United States or Canada, or who are legally entitled to live within the United States, who have graduated and received a diploma from a dental hygiene program accredited by the American Dental Association's Commission on Dental Accreditation, which provides a minimum of two (2) academic years of dental hygiene curriculum, and which may be completed in a period of time less than two (2) years, in or through an institution of higher education accredited by an agency recognized by the U.S. Department of Education to offer college-level programs, and who have successfully passed such examinations as may be established by the board. The board may recognize a certificate granted by the Joint Commission of National Dental Examinations or accept the results of the Southern Regional Testing Agency, or either organization in lieu of, or subject to, such examinations as may be required by the board.

SECTION 2. Tennessee Code Annotated, Section 63-5-114(d)(2), is amended by deleting the subsection in its entirety, and by substituting instead the following language:

(2) Is a graduate of and has received a diploma from a dental hygiene program accredited by the American Dental Association's Commission on Dental Accreditation, which provides a minimum of two (2) academic years of dental hygiene curriculum, and which may be completed in a period of time less than two (2) years, in or through an institution of higher education accredited by an agency recognized by the U. S. Department of Education to offer college-level programs.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 580**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

***House Bill No. 808** -- Consumer Protection - Creates "Year 2000 Citizens' Protection Act." Amends TCA Title 47. by *Odom, *Miller L. (SB949 by *Herron)

Rep. Odom moved that House Bill No. 808 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

House Bill No. 1738 -- Historical Sites and Preservation - Requires persons involved in removal of Native American remains to notify Native American members of archeological advisory council, chair of Commission of Indian Affairs and state archeologist; notification of intent to remove remains must be in writing and filed at least ten days before filing petition; requires proper burial of remains and objects within six months of discovery, using procedures consistent with Native American traditions Amends TCA Section 11-6-116 and Section 11-6-119. by *Odom. (*SB1665 by *Henry)

Rep. Odom moved that House Bill No. 1738 be passed on third and final consideration.

Rep. Ridgeway moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1738 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 11-6-116, is amended by adding the following new subsection:

(c) Any person engaged in work involving the removal of Native American Indian human remains must notify the state archaeologist in writing at least ten (10) days prior to the time a petition is filed under the provisions of Tennessee Code Annotated, Title 46, Chapter 4. Within two (2) business days of receiving such notice, the state archaeologist shall forward such notice to the Native American members of the Archaeological Advisory Council and the chairman of the Tennessee Commission of Indian Affairs.

SECTION 2. Tennessee Code Annotated, Section 11-6-119, is amended by deleting from the first sentence the language which reads "Any human remains discovered in the course of an excavation" and by substituting instead the language "Any Native American human remains and associated burial objects discovered in the course of an excavation, exhumation".

SECTION 3. Tennessee Code Annotated, Section 11-6-119, is further amended by deleting from the first sentence the language "any such remains confiscated" and by substituting instead the language "any such remains and their associated burial objects confiscated".

SECTION 4. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 1738**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1594** -- Alcoholic Beverages - Permits Starwood Amphitheater in Davidson County to obtain liquor by the drink license. Amends TCA Section 57-4-102. by *West, *Garrett. (SB1840 by *Rochelle)

Further consideration of House Bill No. 1594 previously considered on today's Calendar.

Rep. West moved that House Bill No. 1594 be passed on third and final consideration.

Rep. Odom moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1594 by redesignating Section 2 of the printed bill as Section 3 and by inserting a new Section 2, as follows:

SECTION 2. Tennessee Code Annotated Section 57-4-102(22) is amended by adding a new subdivision, as follows:

(C) "Urban park center" shall also mean a facility that possesses the following characteristics:

(i) Such facility consists of at least two (2) theater spaces in which live theater, concerts, and films are presented;

(ii) Such facility contains at least ten thousand (10,000) square feet;

(iii) Such facility contains permanent fixed seating for at least three hundred forty-nine (349) persons;

(iv) Such facility contains one (1) performance space constructed prior to 1930 that contains a stage with a fly tower for stage rigging with a height of at least thirty (30) feet;

(v) Such facility is operated by a not-for-profit corporation that qualifies as tax exempt under Section 501(c)(3) of the Internal Revenue Code, (26 U.S.C. §501(c)(3)), and such facility is not a religious organization or a secondary or elementary school;

(vi) A major street is located not more than one hundred (100) feet from the nearest exterior wall of such facility; and

(vii) Such facility is located within the jurisdictional limits of a county with a metropolitan form of government having a population of not less than five hundred thousand (500,000) according to the 1990 federal census or any subsequent federal census;

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 1594**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	63
Noes	30
Present and not voting	1

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Representatives voting aye were: Armstrong, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bultry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davis (Cocke), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Garrett, Givens, Gunnels, Hargrove, Harwell, Hassell, Head, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, McCord, McDaniel, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Pleasant, Pruitt, Rinks, Roach, Sargent, Scroggs, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Arriola, Beavers, Black, Bunch, Curtiss, Davidson, Davis (Washington), Fitzhugh, Fowlkes, Fraley, Godsey, Goins, Hagood, Hargett, Hood, Jackson, Lewis, Maddox, McDonald, Montgomery, Phillips, Rhinehart, Ridgeway, Sharp, Stulce, Tidwell, Walley, White, Windle, Wood -- 30.

Representatives present and not voting were: Baird -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on House Bill No. 1594 and have this statement entered in the Journal: Rep(s). Dunn.

REGULAR CALENDAR, CONTINUED

House Bill No. 382 -- Sunset Laws - Real estate appraiser commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 39. by *Kernell, *Garrett, *Brooks. (*SB123 by *Springer)

Rep. Kernell requested that House Bill No. 382 be moved to the heel of the Calendar.

House Bill No. 361 -- Sunset Laws - State board for licensing contractors, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 6. by *Kernell, *Garrett, *Brooks. (*SB144 by *Springer)

Rep. Kernell moved that House Bill No. 361 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 361 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new item thereto, as follows:

() State board for licensing contractors, created by Section 62-6-104;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 361**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 389 -- Sunset Laws - State soil conservation committee, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 43, Chapter 14. by *Kernell, *Garrett, *Brooks. (*SB138 by *Springer, *Dixon)

On motion, House Bill No. 389 was made to conform with **Senate Bill No. 138**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 138 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 138 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() State soil conservation committee, created by Section 43-14-203;

On motion, Government Operations Committee Amendment No. 1 was adopted.

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Rep. Kernell moved that **Senate Bill No. 138**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 400 -- Sunset Laws - Commission on firefighting personnel standards and education, June 30, 2007. Amends TCA Title 4, Chapters 24 and 29. by *Kernell, *Garrett, *Brooks. (*SB110 by *Springer, *McNally)

On motion, House Bill No. 400 was made to conform with **Senate Bill No. 110**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 110 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 110 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Commission on firefighting personnel standards and education, created by Section 4-24-101;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 110**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 339 -- Sunset Laws - Board of chiropractic examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 4. by *Kernell, *Garrett, *Brooks. (*SB125 by *Springer)

Rep. Kernell moved that House Bill No. 339 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

House Bill No. 340 -- Sunset Laws - Collection service board, June 30, 2007. Amends TCA Title 4 Chapter 29 and Title 62, Chapter 20. by *Kernell, *Garrett, *Brooks. (*SB156 by *Springer)

Rep. Kernell requested that House Bill No. 340 be moved to the heel of the Calendar.

House Bill No. 345 -- Sunset Laws - Tennessee auctioneer commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 19. by *Kernell, *Garrett, *Brooks. (*SB132 by *Springer)

Rep. Kernell requested that House Bill No. 345 be moved to the heel of the Calendar.

House Bill No. 355 -- Sunset Laws - Real estate commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 13. by *Kernell, *Garrett, *Brooks. (*SB107 by *Springer)

Rep. Kernell requested that House Bill No. 355 be moved to the heel of the Calendar.

House Bill No. 356 -- Sunset Laws - Board of pharmacy, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 10. by *Kernell, *Garrett, *Brooks. (*SB108 by *Springer)

Rep. Kernell requested that House Bill No. 356 be moved to the heel of the Calendar.

THURSDAY, MAY 6, 1999 -- TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 358 -- Sunset Laws - Board of examiners for architects and engineers, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB105 by *Springer)

Rep. Kernell requested that House Bill No. 358 be moved to the heel of the Calendar.

House Bill No. 365 -- Sunset Laws - Board of land survey examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 18. by *Kernell, *Garrett, *Brooks. (*SB106 by *Springer)

Rep. Kernell requested that House Bill No. 365 be moved to the heel of the Calendar.

House Bill No. 375 -- Sunset Laws - Board of cosmetology, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 4, r. by *Kernell, *Garrett, *Brooks. (*SB128 by *Springer)

Rep. Kernell requested that House Bill No. 375 be moved to the heel of the Calendar.

***House Bill No. 951** -- Human Rights - Removes any member of board of human rights commission for being absent from three meetings of board during one year period; requires establishment of toll-free hotline to report discriminatory practices. Amends TCA Title 4, Chapter 21. by *Brooks, *DeBerry L. (SB1075 by *Kyle)

Rep. Brooks moved that House Bill No. 951 be passed on third and final consideration.

Rep. Langster moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 951 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. There is hereby created the joint task force on human rights. The members of the task force shall be composed of the deputy governor, commissioner of finance and administration, commissioner of economic and community development, comptroller of the treasury, attorney general and reporter, chairs and vice-chairs of the finance ways and means committees of the house and senate, chair of the caucus of black legislators, and two (2) members of the house and senate appointed by the respective speakers thereof. The office of the comptroller of the treasury shall provide staff assistance to the task force.

SECTION 2. The purpose of the task force is to undertake a review of the purposes, activities and operations of the human rights commission created by Tennessee Code Annotated, Section 4-21-201, and to develop its recommendations relative thereto. The task force shall make its recommendations to the governor and the general assembly not later than January 15, 2000. The task force's findings and recommendations should include its estimates of the budget resources necessary for the human rights commission to fulfill its mission.

SECTION 3. In conducting its review, the task force should solicit input from current and former members and staff of the human rights commission; federal funding entities; members of the general public; audit reports relative to the operations of the human rights commission; information from other states; and, any other sources as may be deemed appropriate by the task force. Each state agency shall, upon request, cooperate with requests for information and/or assistance from the task force.

SECTION 4. The legislative members of the task force shall be entitled per diem and expenses as otherwise provided by law.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Phillips moved that House Bill No. 951 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1513 — Psychologists - Includes provision of health related clinical services as element of meeting definition of practice as psychological examiner Amends TCA Title 63, Chapter 11. by *Newton, *Walley. (*SB851 by *Springer)

Rep. Newton moved that House Bill No. 1513 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1513 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-11-202, is amended by deleting the section in its entirety and by substituting instead the following:

A person practices as a "psychological examiner" within the meaning of this chapter when the person claims to be a psychological examiner and/or renders to individuals or to the public any health-related clinical activities or service involving the application of recognized principles, methods and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics, for such purposes as psychological evaluation or for educational or vocational selection, guidance or placement. The psychological examiner practices the following only under qualified supervision: overall personality appraisal or classification, personality counseling, psychotherapy or personality readjustment techniques.

SECTION 2. Nothing in this act shall be construed as expanding or restricting the scope of practice for a psychological examiner.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Newton moved that **House Bill No. 1513**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Maddox -- 1.

A motion to reconsider was tabled.

***House Bill No. 604** -- Election Laws - Permits administrator of elections to employ relative of county election commission member on election day with approval of county election commission. Amends TCA Title 2. by *Buck, *Winningham. (SB877 by *Burks)

On motion, House Bill No. 604 was made to conform with **Senate Bill No. 877**; the Senate Bill was substituted for the House Bill.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

Rep. Buck moved that Senate Bill No. 877 be passed on third and final consideration.

On motion, Rep. Langster withdrew State and Local Government Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 877** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 763 -- Tort Liability - Limits tort liability of street sweepers making intermittent stops and driving below posted speed limits. Amends TCA Title 55, Chapter 8. by *Buck. (*SB489 by *Haynes)

Rep. Buck moved that House Bill No. 763 be reset for the Regular Calendar on May 13, 1999, which motion prevailed.

***House Bill No. 335** -- Public Defenders - Allows newly employed public defenders reasonable length of time to conclude or transfer cases pending over from private practice; empowers district public defender to approve certain prior service credits for assistant public defenders and district investigators; deletes prior service credit computation provision. Amends TCA Title 8, Chapter 14. by *Buck. (SB386 by *Person, *Crowe)

On motion, House Bill No. 335 was made to conform with **Senate Bill No. 386**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 386 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved that **Senate Bill No. 386** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1267 -- University of Tennessee - Requires all members of board of trustees of University of Tennessee appointed by governor to be confirmed by joint resolution of senate and house. Amends TCA Title 49, Chapter 9, Part 2. by *Stulce, *Turner (Hamilton), *Tindell, *McMillan, *Briley, *Ridgeway, *Brown, *Armstrong, *McDonald, *Williams (Williamson), *Arriola, *Curtiss, *Sands, *Hargrove, *Winningham. (*SB50 by *Rochelle)

Rep. Stulce moved that House Bill No. 1267 be reset for the Regular Calendar on May 13, 1999, which motion prevailed.

House Bill No. 1704 -- Motor Vehicles, Titling and Registration - Authorizes department of safety to administratively issue collegiate plates for two-year and four-year colleges and universities located within the several states and District of Columbia Amends TCA Title 55, Chapter 4. by *Fitzhugh. (*SB1122 by *Cooper)

Rep. Fitzhugh moved that House Bill No. 1704 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1813 -- Public Records - Reorganizes present requirements for public records of municipal corporations; requires notice to state librarian and archivist 90 days before destruction of any records, specifically including temporary records and working papers.. Amends TCA Title 10, Chapter 7. by *Langster, *Pruitt. (*SB1029 by *Harper)

On motion, House Bill No. 1813 was made to conform with **Senate Bill No. 1029**; the Senate Bill was substituted for the House Bill.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

Rep. Langster moved that Senate Bill No. 1029 be passed on third and final consideration.

On motion, Rep. Jackson withdrew Judiciary Committee Amendment No. 1.

Rep. Langster moved that **Senate Bill No. 1029** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Joint Resolution No. 2** -- Constitutional Amendments - Empowers general assembly to authorize state lottery for state purposes only and no other purpose; net proceeds to be allocated solely to scholarship fund established and implemented by general assembly for tuition costs for Tennessee residents at Tennessee post-secondary institutions. by *Newton, *Williams (Williamson), *Kernell.

Further consideration of House Joint Resolution No. 2 previously considered on May 5, 1999, at which time the House adopted Amendment No. 1, it was read for the first constitutional reading and reset for today's Calendar.

Rep. Newton requested that the Clerk read House Joint Resolution No. 2, as amended, for the second constitutional reading.

The Clerk read House Joint Resolution No. 2, as amended.

Rep. Newton moved that House Joint Resolution No. 2 be reset for the Regular Calendar on May 10, 1999 for third reading, which motion prevailed.

***House Bill No. 878** -- Animals - Authorizes department of agriculture to indemnify persons for costs of destroyed honeybees. Amends TCA Title 44, Chapter 15, Part 2. by *Kerr, *Baird. (SB1135 by *Clabough)

Rep. Kerr moved that House Bill No. 878 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 382 -- Sunset Laws - Real estate appraiser commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 39. by *Kernell, *Garrett, *Brooks. (*SB123 by *Springer)

Further consideration of House Bill No. 382 previously considered on today's Calendar.

On motion, House Bill No. 382 was made to conform with **Senate Bill No. 123**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 123 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 123 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding a new subdivision thereto, as follows:

() Real estate appraiser commission, created by Section 62-39-201;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 123**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 340 -- Sunset Laws - Collection service board, June 30, 2007. Amends TCA Title 4 Chapter 29 and Title 62, Chapter 20. by *Kernell, *Garrett, *Brooks. (*SB156 by *Springer)

Further consideration of House Bill No. 340 previously considered on today's Calendar.

On motion, House Bill No. 340 was made to conform with **Senate Bill No. 156**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 156 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 156 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Collection service board, created by Section 62-20-104;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 156**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 345 -- Sunset Laws - Tennessee auctioneer commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 19. by *Kernell, *Garrett, *Brooks. (*SB132 by *Springer)

Further consideration of House Bill No. 345 previously considered on today's Calendar.

On motion, House Bill No. 345 was made to conform with **Senate Bill No. 132**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 132 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 132 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Tennessee auctioneer commission, created by Section 62-19-104;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 132**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 355 – Sunset Laws - Real estate commission, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 13. by *Kernell, *Garrett, *Brooks. (*SB107 by *Springer)

Further consideration of House Bill No. 355 previously considered on today's Calendar.

On motion, House Bill No. 355 was made to conform with **Senate Bill No. 107**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 107 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 107 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Real estate commission, created by Section 62-13-201;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 107**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 356 -- Sunset Laws - Board of pharmacy, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 10. by *Kernell, *Garrett, *Brooks. (*SB108 by *Springer)

Further consideration of House Bill No. 356 previously considered on today's Calendar.

On motion, House Bill No. 356 was made to conform with **Senate Bill No. 108**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 108 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 108 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Board of pharmacy, created by Section 63-10-408;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 108**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 -- TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 358 -- Sunset Laws - Board of examiners for architects and engineers, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB105 by *Springer)

Further consideration of House Bill No. 358 previously considered on today's Calendar.

On motion, House Bill No. 358 was made to conform with **Senate Bill No. 105**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 105 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 105 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Board of examiners for architects and engineers, created by Section 62-2-201;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 105**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 365 -- Sunset Laws - Board of land survey examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 18, by *Kernell, *Garrett, *Brooks. (*SB106 by *Springer)

Further consideration of House Bill No. 365 previously considered on today's Calendar.

On motion, House Bill No. 365 was made to conform with **Senate Bill No. 106**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 106 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 106 By deleting in its entirety Section 2 of the printed bill and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-226(a), is amended by adding the following new item thereto:

() Board of land survey examiners, created by Section 62-18-103;

On motion, Government Operations Committee Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 106**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 375 -- Sunset Laws - Board of cosmetology, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 4, r. by *Kernell, *Garrett, *Brooks. (*SB128 by *Springer)

Further consideration of House Bill No. 375 previously considered on today's Calendar.

Rep. Kernell moved that House Bill No. 375 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Stulce moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 257 out of order, which motion prevailed.

Senate Joint Resolution No. 257 -- Memorials, Public Service - Jerry L. Campbell, Executive Director, Tennessee Valley Public Power Association. by *Crutchfield, *Harper.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Stulce, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

On motion of Rep. Hargrove, the rules were suspended to allow all bills heard in Committee Meetings after 3:00 p.m. on Tuesday, May 5, 1999 to be put on notice for the week of May 10, 1999.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 136: Rep(s). Langster as prime sponsor(s).

House Joint Resolution No. 193: Rep(s). Hood as prime sponsor(s).

House Bill No. 220: Rep(s). Langster as prime sponsor(s).

House Bill No. 384: Rep(s). Langster as prime sponsor(s).

House Bill No. 692: Rep(s). Pruitt as prime sponsor(s).

House Bill No. 818: Rep(s). Patton as prime sponsor(s).

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

House Bill No. 985: Rep(s). Langster as prime sponsor(s).

House Bill No. 1512: Rep(s). Black, Sharp, Turner (Shelby), Davis (Washington), Kernell, Newton, Cole (Carter) and Whitson as prime sponsor(s).

House Bill No. 1528: Rep(s). Buck, Hargett, Kernell, Jackson, S. Jones, Kerr and Briley as prime sponsor(s).

House Bill No. 1696: Rep(s). Buck as prime sponsor(s).

House Bill No. 1965: Rep(s). Winningham as prime sponsor(s).

REPORT OF CHIEF ENGROSSING CLERK

May 6, 1999

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 36, 508, 619, 675, 676, 1268, and 1310.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 6, 1999

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 172, 173, 186, 188, 189, 190, 194, 195, 196 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 6, 1999

The Speaker signed the following: House Joint Resolution(s) No(s). 172, 173, 186, 188, 189, 190, 194, 195, 196 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 172, 173, 186, 188, 189, 190, 194, 195, 196 and 224; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 174, 260, 924; also, Senate Joint Resolution(s) No(s). 260 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 6, 1999

The Speaker signed the following: Senate Bill(s) No(s). 174, 260, 924; also, Senate Joint Resolution(s) No(s). 260.

REPORT OF CHIEF ENGROSSING CLERK

May 6, 1999

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 172, 173, 186, 188, 189, 190, 194, 195, 196 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to request the return of Senate Bill(s) No(s). 1815 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1406; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1947, 1949, 1950, 1952, 1954, 1955, 1957, 1958, 1959 and 1964; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 530; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 179 and 209; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 6, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 361, 580, 793, 1124, 1290, 1513, 1564, 1594, 1738, also, House Joint Resolution(s) No(s). 222.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 403 and 1532; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1417; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 6, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 659, 832, 883, 922, 978, 1947, 1949, 1950, 1952, 1954, 1955, 1957, 1958, 1959, 1964; also, House Resolution(s) No(s). 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

**SIGNED
May 6, 1999**

The Speaker signed the following: House Bill(s) No(s). 659, 832, 883, 922, 978, 1947, 1949, 1950, 1952, 1954, 1955, 1957, 1958, 1959, 1964; also, House Resolution(s) No(s). 49.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS
May 6, 1999**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 403, 1532; House Joint Resolution(s) No(s). 179 and 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
May 6, 1999**

The Speaker signed the following: House Bill(s) No(s). 403, 1532; House Joint Resolution(s) No(s). 179 and 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 6, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 127, 129, 436, 528, 593, 721, 904, 917, 946, 1227 and 1525; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 127** -- Sunset Laws - Board of barber examiners, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 62, Chapter 3. by *Springer. (HB366 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 129** -- Sunset Laws - Board of funeral directors and embalmers, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 62, Chapter 5. by *Springer. (HB362 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 436** -- Credit and Debit Cards - Prohibits public institutions of higher education from selling or distributing student lists to credit card issuers; prohibits credit card issuers from attempting to secure such lists. Amends TCA Title 49, Chapter 7. by *Dixon. (HB538 by *DeBerry L, *Bowers, *Brooks, *Givens, *Langster)

***Senate Bill No. 528** -- Trusts - Clarifies and formally recognizes practice whereby trustees may take action with written consent of beneficiaries. Amends TCA Title 35, Chapter 50, Part 1. by *Fowler. (HB911 by *Fowlkes, *Bone, *Sands, *Hood, *Newton)

THURSDAY, MAY 6, 1999 -- TWENTY-SEVENTH LEGISLATIVE DAY

***Senate Bill No. 593** -- Medical Occupations - Establishes council of licensed midwifery, with procedures and duties; defines licensure requirements and roles of certified nurse midwives and licensed midwives. Amends TCA Title 63 and Section 4-29-221. by *Ford J, *Springer, *Dixon, *Harper, *Ramsey. (HB565 by *Bowers, *DeBerry J, *DeBerry L, *Buck)

***Senate Bill No. 721** -- Taxes, Privilege - Authorizes commissioner of revenue to warn and report delinquent professionals; establishes that second violation grounds for suspension, and third or subsequent violation is grounds for revocation of any license or registration by appropriate licensing board. Amends TCA Title 67, Chapter 4, Part 17. by *Miller J. (HB1577 by *Newton)

Senate Bill No. 904 -- Contractors - Authorizes state board for licensing contractors to suspend or revoke license or renewal of license for failure of contractor to pay subcontractors in accordance with contracts or agreements between contractor and subcontractor. Amends TCA Title 62, Chapter 6. by *Rochelle. (*HB507 by *Head)

***Senate Bill No. 917** -- Business Organizations - Revises and makes technical corrections to LLC statute. Amends TCA Title 48. by *Rochelle, *Kyle. (HB992 by *Hargrove)

Senate Bill No. 946 -- Motor Vehicles - Decreases penalty for operation of a vehicle other than high occupancy vehicle in HOV lane from fine not to exceed \$50.00 to a fine not to exceed \$1.00. Amends TCA Section 55-8-188. by *Burchett. (*HB760 by *Buck)

Senate Bill No. 1227 -- Law Enforcement - Deletes language "publicly maintained" from definition of "highways" for purposes of driver license enforcement. Amends TCA Section 55-50-102. by *Haynes, *Harper. (*HB1030 by *Langster, *Jones, S.)

***Senate Bill No. 1525** -- Landlord and Tenant - Establishes seven days as sufficient notice to evict a residential tenant who has not paid rent, done substantial damage to premises or if tenant's or tenant's family behavior adversely affects health or safety of other tenants, landlord or landlord's representative. by *Ramsey, *Miller J, *Crowe. (HB1422 by *Williams (Williamson))

MESSAGE FROM THE GOVERNOR

May 6, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 172, 173, 186, 188, 189, 190, 194, 195, 196 and 224, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 6, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 403, 659, 832, 883, 922, 978, 1532, 1947, 1949, 1950, 1952, 1954, 1955, 1957, 1958, 1959, 1964; also, House Joint Resolution(s) No(s). 179 209; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 6, 1999

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 403, 659, 832, 883, 922, 978, 1532, 1947, 1949, 1950, 1952, 1954, 1955, 1957, 1958, 1959, 1964; also, House Joint Resolution(s) No(s). 179 209.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

CONSENT CALENDAR
May 6, 1999

The following local bills have been placed on the Consent Calendar for **May 10, 1999**: House Bill(s) No(s). 1963, 1968, 1970 and 1971.

COMMUNICATION

Rep. John Hood requested that the following communication be spread upon the House Journal:

May 6, 1999

On May 5, 1999, I was excused by Speaker Naifeh to be absent from the House Session.

Please enter in the Journal the following votes I would have cast had I been in attendance:

- 1) Consent Calendar – vote 'aye'
- 2) Regular Calendar -- vote 'aye' on the following: House Bill(s) 268, 645, 443, 1645, 1104, 866, 1095, 1423, 688, 701, 336, 7, 1568, 614, 598, 1122, 1747, 1811, 955, 1405, 1113 and 1258
- 3) Message Calendar -- vote 'aye' on the following: Senate Bill(s) 260, 1455 and House Bill(s) 659

Thanks in advance.

John Hood
48th Legislative District

ROLL CALL

The roll call was taken with the following results:

Present.....98

THURSDAY, MAY 6, 1999 – TWENTY-SEVENTH LEGISLATIVE DAY

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 5:00 p.m., Monday, May 10, 1999.